

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

**CARLOS A. GARCIA-PEREZ,
et al.,**

Plaintiffs,

v.

ALVARO SANTAELLA, MD, et al.,

Defendants.

Civil No. 97-1703 (JAG)

MOTION IN COMPLIANCE WITH ORDER

TO THE HONORABLE COURT:

COME NOW the plaintiffs, through the undersigned attorneys, and to this Honorable Court respectfully state and pray:

On August 6th, 2004, Magistrate Judge Delgado-Colón issued an Order setting August 23, 2004 as the deadline for holding a Rule 26(f) meeting and filing a report with a proposed discovery and deposition schedule. Accordingly, plaintiffs hereby inform this Court as follows:¹

1. Significant discovery has already been taken in this case. In addition to interrogatories and document requests, the following depositions have been taken: plaintiff Carlos García, plaintiff Gisela Baerga, Rule 30(b)(6) deposition of defendant Hospital, defendant Doctor Santaella, and third-party defendants doctors Casado, Vélez, Terón, and Quiñones, and

¹Due to the short time period, the August vacations of different attorneys, and the large number of attorneys in this case, plaintiffs were not able to obtain the approval of this document by all attorneys, other than that the contents were

the majority of plaintiffs' expert witness, Dr. Harkavy's deposition.

2. The pending discovery is as follows:

- a. remainder of plaintiffs' expert witness Dr. Harkavy's deposition scheduled for November 17th, in Puerto Rico;
- b. the deposition of the Hospital's expert witness is scheduled for November 19th, it is to take place in Alabama unless all defendants agree to share the travel expenses (airfare, meals, and lodging) and travel time fees with plaintiffs, in which case it could be taken in Puerto Rico;
- c. deposition of third party defendant Dr. Adel Vargas, and Dr. de la Vega (note that the latter filed a motion to dismiss on April 7, 2000 which is pending before the Court);
- d. the deposition of defendant Dr. Santaella's expert witness, and the third party defendants expert witnesses, in order of priority: Dr. Casado's, Dr. Quiñones', Dr. Vélez', Dr. Teron's and Dr. Vargas';
- e. plaintiffs will identify by name at the Status Conference a rehabilitative expert who will provide a life care plan for the surviving quadruplet, as requested by the defendant Hospital. Dates need to be set for the expert report and, if requested by defendants, the deposition;
- f. plaintiffs have requested all insurance policies for each defendant and third-party defendant, but have yet to receive all of them. Plaintiffs will substitute the actual insurance companies for the John Doe insurance

verbally agreed to.

company defendants listed in the complaint, once all have been received.

Plaintiff will also retain an expert as to the coverage and limits of the insurance policies.

3. The majority of the attorneys held a Rule 26(f) meeting on June 3, 2004, and discussed the pending discovery, and set aside dates for depositions. On August 16, 2004, the undersigned attorney also held an additional telephone conference with various defendant attorneys, agreeing that the pending discovery and dates set aside on June 3rd, would be relied upon for the instant Rule 26(f) report.

4. The set-aside dates are as follows: October 1; November 17-19; December 8-10, 2004; January 17-21; January 30-February 4; March 7-11, 2005. All remaining discovery should be concluded by the end of March, 2005.

5. The potential for settlement was briefly discussed during the June 3rd meeting, but the attorney for the Hospital stated that he needed a life care plan for the surviving quadruplet before discussions could proceed.

WHEREFORE, plaintiffs respectfully request that this Honorable Court take notice of the above.

Respectfully submitted.

At San Juan, Puerto Rico, this 23rd day of August, 2004.

I HEREBY CERTIFY: That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Pedro J. Córdova, Esq., P.O. Box 9023998, San Juan, Puerto Rico 00902-3998; Angel R. de Corral-Juliá, Esq., De Corral & De Mier, 130 Eleonor Roosevelt, San Juan, Puerto Rico 00918-3105; Jaime Sifre, Esq. and Marta Elisa González, Esq., Sánchez, Betances & Sifre, P.O. Box 195055, San Juan, Puerto Rico 00919-5055; Roberto Ruiz-Comas, Esq., González Pando Plaza, 1181 Jesús T. Piñeiro Avenue, San Juan, Puerto Rico 00920-5604; José Enrique Otero, Esq., P.O. Box 9023933, San Juan, Puerto Rico 00902-3933; José Héctor Vivas, Esq., Vivas & Vivas, P.O. Box 330951,

Ponce, Puerto Rico 00733-0951; Igor J. Domínguez, Esq., 652 Muñoz Rivera Avenue, Suite 3125, Hato Rey, Puerto Rico 00918-4261; Doris Quiñones-Tridas, Esq., 113 Padre Las Casas, Suite 601, Urb. El Vedado, San Juan, Puerto Rico 00918-3116; Pedro Toledo-González, Esq., Julio Bogoricin Building, Office L-06, Lobby, 1606 Ponce de León Avenue, Santurce, Puerto Rico 00909.

s/ Joan S. Peters

Joan S. Peters

USDC-PR 207409

e-mail: nrodriguez@guillemardlaw.com

s/ Andrés Guillemard-Noble

Andrés Guillemard-Noble

USDC-PR 207308

e-mail: aguillemard@guillemardlaw.com

NACHMAN & GUILLEMARD

Attorneys for Plaintiffs

P.O. Box 9949

San Juan, Puerto Rico 00908

Tel. (787) 724-1212; Fax (787) 725-1339